

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	8:10CR193
Plaintiff,)	
)	
vs.)	ORDER
)	
EDWARD ALLYN SMITH,)	
)	
Defendant.)	

This matter is before the court on the oral motion of defendant Edward Allyn Smith (Smith) for an extension of the pretrial motion deadline. The motion was made during the arraignment on the Second Superseding Indictment on October 24, 2011. The government had no objection to the motion. Smith acknowledged the additional time needed for his motion would be excluded under the calculations under the Speedy Trial Act. The oral motion was granted.

IT IS ORDERED:

1. Smith's motion for an extension of time to file pretrial motions is granted. Smith shall have **to on or before November 28, 2011**, in which to file pretrial motions in accordance with the progression order.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **October 24, 2011, and November 28, 2011**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 24th day of October, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge